

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RONALD DEAN GILBERT,

ID # 1270857,

Petitioner,

vs.

WILLIAM STEPHENS, Director,

Texas Department of Criminal

Justice, Correctional Institutions Division,

Respondent.

No. 3:15-CV-2449-D

ORDER

After making an independent review of the pleadings, files, and records in this case, the August 7, 2015 findings, conclusions, and recommendation of the magistrate judge, and petitioner's September 1, 2015 motion in opposition to the 1-year period of limitation for the late filing of his state habeas corpus application, September 11, 2015 supplement motion objecting to the 1 year period of limitation late filing for writ of habeas corpus, and September 15, 2015 supplement motion objecting to the 1 year period of limitation for late filing of habeas corpus, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable

whether [this court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S.473, 484 (2000).

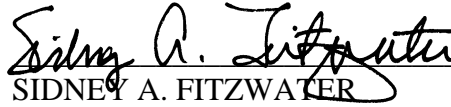
If petitioner files a notice of appeal,

() petitioner may proceed *in forma pauperis* on appeal.

(X) petitioner must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

October 30, 2015.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE